

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN ELECTROLYTE CONTAINING
BEVERAGES AND LABELING AND
PACKAGING THEREOF**

Investigation No. 337-TA-1269

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 8) of the presiding administrative law judge (“ALJ”) finding respondents Carbonera Los Asadores de C.V.; Comercial Treviño de Reynosa, S.A. de C.V.; Distribuidora Mercatto S.A. de C.V.; H & F Tech International S.A. de C.V.; Leticia Angélica Saenz Fernandez; and Yoselen Susana Martinez Tirado (all of Mexico) (collectively, “Defaulting Respondents”) in default.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On July 6, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by CAB Enterprises, Inc. of Houston, Texas and Sueros y Bebidas Rehidratantes, S.A. de C.V. of Mexico (collectively, “Complainants”). *See* 86 FR 35532-33 (July 6, 2021). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrolyte containing beverages and labeling and packaging thereof by reason of infringement of U.S. Trademark Registration Nos. 4,222,726; 4,833,885; 4,717,350; and 4,717,232. *See id.* In addition to the Defaulting Respondents, the notice of investigation names the following respondents (all of Mexico): Flexicompuestos S.A. de C.V.; Grupo Comercial Lux del Norte S.A. de C.V.; Caribe Agencia Express, S.A. de C.V.; Comercializadora Degu S.A. de C.V.; MPC Foods S.A. de C.V.; Myrna Guadalupe Perez

Martinez; Comercializadora Embers S.A. de C.V.; and Manuel Bautista Nogales. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On August 2, 2021, Complainants filed a motion (“Motion”) pursuant to Commission Rule 210.16 (19 CFR 210.16) for: (1) an order directing the Defaulting Respondents to show cause why they should not be found in default for failing to respond to the complaint and notice of investigation; and (2) an ID finding the Defaulting Respondents in default upon their failure to show cause. The Motion indicates that Complainants effected service of the complaint and notice of investigation on the Defaulting Respondents between July 5 and 8, 2021. On August 11, 2021, OUII filed a response in support of the Motion. No other responses were received.

On August 12, 2021, the ALJ issued an order (Order No. 7) requiring the Defaulting Respondents to show cause, no later than August 26, 2021, as to why they should not be held in default for failing to respond to the complaint and notice of investigation. No response was received from the Defaulting Respondents. On September 14, 2021, the ALJ issued the subject ID (Order No. 8) finding the Defaulting Respondents in default pursuant to Commission Rule 210.16 (19 CFR 210.16), for failure to respond to the complaint and notice of investigation and to the order to show cause (*i.e.*, Order No. 7). *See ID at 1-3.*

No petition for review of the subject ID was filed. The Commission has determined not to review the subject ID. The following respondents have been found in default: Carbonera Los Asadores de C.V.; Comercial Treviño de Reynosa, S.A. de C.V.; Distribuidora Mercatto S.A. de C.V.; H & F Tech International S.A. de C.V.; Leticia Angélica Saenz Fernandez; and Yoselen Susana Martinez Tirado.

The Commission’s vote for this determination took place on October 6, 2021.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: October 6, 2021